

REMARKS

In response to the above Office Action, a new main claim 23 is submitted which comprises a combination of claims 2, 15 and 17, all elected claims. See also page 38, line 24 to page 39, line 33 of the specification for further support of the claim.

In addition, claims 3-9, 11, 12, 16 and 18-22 have been rewritten as new claims 24-38, respectively, dependent on new claim 23 for convenience. Non-elected claims 13 and 14 have not been repeated.

In the Office Action, the Examiner rejected claims 11-12, 15 and 19-21 under 35 U.S.C. §102(b) for being anticipated by U.S. Patent No. 4,908,676 to Bedell et al., hereafter Bedell.

Now that new main claim 23 includes, in addition to other limitations, the limitations of claim 17 not included in the rejection, it is believed claim 23 or any of claims 24-38 dependent therefrom are not anticipated by Bedell. Its withdrawal as a ground of rejection of the claims under §102(b) is therefore requested.

Claims 2-9, 16-18 and 22 were also rejected under 35 U.S.C. §103(a) for being obvious over Bedell in view of U.S. Patent No. 5,624,544 to Deguchi et al., hereafter Deguchi.

Bedell describes in column 8, lines 24-25 that a detection column 103 contains an absorbent. Further, in column 8, lines 61-63 that the eluent strips the absorbed analyte from the absorbent and returns the absorbent substantially to its original state. Furthermore, at column 8, lines 54-60 that controller 301 opens valve 325 to eluent reagent tank 303 to flow an eluent through the detection column 103 to a waste recovery system after the sampling period.

Thus controller 301 flushes the eluent through detection column 103 every time after a detection period. Further, controller 301 does not determine whether the absorbent contained in detection column 103 has become saturated or not on the basis of the result of measurement by sensor 104 in detection column 103.

Consequently, it is believed that Bedell does not describe or suggest the limitation in claim 23 that "said control section conducts a regeneration by said regenerating section when said control section determines that said ion-exchange resin has become saturated."

This limitation was in original claim 17. The Examiner argued (page 8, lines 7-15) that this limitation recites only the intended use of the claimed invention and does not patentably distinguish the claimed invention from the reference if the reference is "capable of performing the intended use."

This may be true, but it is submitted that the reference is not capable of performing such a function, because the control section or controller 301 of Bedell, does not cause regeneration of the regeneration section or absorbent in column 103 when it, the controller, determines the absorbent should be regenerated and thus is incapable of further effective use. Rather, controller 301 causes regeneration of the absorbent after every use regardless of the condition of the absorbent. To arbitrarily say controller 301 could accomplish this function is reading structure into Bedell which is not suggested or described therein. Thus it is submitted that Applicants recited "control section" in claim 23 is not met simply by a "controller" being present in Bedell. One needs to also determine what that controller actually does.

Nor does Deguchi disclose such a feature. While it might show the feature of claim 22; now claim 38, since the claim depends from claim 23, it is submitted it is patentable over the combination of Bedell and Deguchi for the same reasons expressed above.

It is believed claims 23-38 are in condition for allowance.


In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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